

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

ADDITIONAL RIGHTS WITH RESPECT TO
A PREEXISTING EASEMENT OVER LAND
IN HICKMAN COUNTY, TENNESSEE, and
JERRY I. ALLISON
JOAN E. ALLISON, his wife
Defendants

Civil Action No. 1:07-cv-00094
Judge Wiseman

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the signature below, that the parties have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of Plaintiff \$12,500 as full compensation for the taking of the easement rights herein condemned and in full satisfaction of any and all claims they may have against Plaintiff, the Tennessee Valley Authority (TVA), and its contractors, through April 21, 2009, arising out of or in any way connected with any work performed by TVA and its contractors on the property involved in this action.

2. The Clerk of this Court is authorized and directed to (1) close out the interest-bearing account with Bank of America in Nashville, Tennessee, that was created pursuant to the Investment Order entered herein, (2) deposit the sum received from the account into the registry of this Court, and (3) draw a check on the funds on deposit in the registry of this Court in the

principal amount of \$12,500, plus all interest earned on the account less the Clerk's registry fee of 10 percent of the interest earned, payable to Dye & Vander Horst Client Trust, marked "re Jerry I. Allison and Joan E. Allison," in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and (4) mail said check to Allston Vander Horst, Esq., Dye & Vander Horst, P.C., P.O. Box 11, Centerville, Tennessee 37033.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on December 14, 2007, is hereby fully and finally confirmed with respect to the easement rights described in Exhibit A attached hereto and made a part hereof (said Exhibit A being the same as Exhibit A to the Declaration of Taking filed herein):

Permanent easements and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said rights-of-way, together with the right to clear said rights-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said rights-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of the Tennessee Valley Authority and its contractors in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. DVIC-206

A parcel of land located in the Fourth Civil District of Hickman County, State of Tennessee, as shown on maps entitled "Davidson-Iron City Transmission Line," drawing LW-9002, Sheets 10 and 11, R.9 and 5, respectively, the portion of said maps which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point where the centerline of the transmission line location crosses the northeast property line of the land of Jerry I. Allison, et ux., and the southwest

road right-of-way line of the land of Hickman County, Tennessee (Barrin Ford Creek Road) at survey station 1134+19.50, said point being S. 53° 35' 03" E., 21.98 feet from a property corner common between the lands of Jerry I. Allison, et ux., and Hickman County, Tennessee (Barrin Ford Creek Road), said property corner being 21.65 feet right of survey station 1134+23.32; thence leaving said point and with the said property line and road right-of-way line S. 53° 35' 03" E., 50.77 feet to a point, said point being in the southeast right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. 46° 22' 28" W., 1,869.49 feet to a point, said point being in the southwest property line of the land of Jerry I. Allison, et ux., and in the northeast road right-of-way line of the land of Hickman County, Tennessee (New Bethel Road); thence leaving said point and with the said property line and road right-of-way line N. 49° 21' 19" W., 49.72 feet to a point, said point being a property corner common between the lands of Jerry I. Allison, et ux., and Hickman County, Tennessee (New Bethel Road); thence leaving said point and continuing with said property line and road right-of-way line N. 40° 56' 05" W., 0.52 feet to a point, said point being on the centerline of the said location at survey station 1152+85.20; thence leaving said point and continuing with said property line and road right-of-way line N. 40° 56' 05" W., 50.06 feet to a point, said point being in the northwest right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 46° 22' 28" E., 1,866.57 feet to a point, said point being in the northeast property line of the land of Jerry I. Allison, et ux., and in the southwest road right-of-way line of the land of Hickman County, Tennessee (Barrin Ford Creek Road); thence leaving said point and with the said property line and road right-of-way line S. 29° 36' 33" E., 29.22 feet to a point, said point being a property corner common between the lands of Jerry I. Allison, et ux., and Hickman County, Tennessee (Barrin Ford Creek Road), said property corner being 21.65 feet right of survey station 1134+23.32; thence leaving said point and continuing with said property line and road right-of-way line S. 53° 35' 03" E., 21.98 feet to the point of beginning and containing 4.3 acres, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract DVIC-205, Hickman County, Tennessee (Barrin Ford Creek Road), and Tract DVIC-207, Hickman County, Tennessee, (New Bethel Road), the adjoining road rights-of-way as shown on the maps referenced above.

TRACT NO. DVIC-208

A parcel of land located in the Fourth Civil District of Hickman County, State of Tennessee, as shown on a map entitled "Davidson-Iron City Transmission Line," drawing LW-9002, Sheet 11, R.5, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

EXHIBIT A

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Beginning at a point where the centerline of the transmission line location crosses the northeast property line of the land of Jerry I. Allison, et ux., and the southwest road right-of-way line of the land of Hickman County, Tennessee (New Bethel Road) at survey station 1153+22.10, said point being Northwesterly with said property line and said road right-of-way line, 254 feet from a property corner common between the lands of Jerry I. Allison, et ux., and others; thence leaving said point and with the said property line and said road right-of-way line S. 49° 25' 19" E., 50.26 feet to a point, said point being in the southeast right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. 46° 22' 28" W., 622.72 feet to a point, said point being in the southwest property line of the land of Jerry I. Allison, et ux., and in the northeast property line of the land of Kenneth Monroe; thence leaving said point and with the said property line N. 59° 41' 01" W., 51.39 feet to a point, said point being an iron pin property corner common between the lands of Jerry I. Allison, et ux., and Kenneth Monroe, said property corner being 0.61 feet left of survey station 1159+53.96; thence leaving said point and continuing with said property line N. 41° 43' 12" W., 0.61 feet to a point, said point being on the centerline of the said location at survey station 1159+54.00; thence leaving said point and continuing with said property line N. 41° 43' 12" W., 50.03 feet to a point, said point being in the northwest right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 46° 22' 28" E., 631.01 feet to a point, said point being in the northeast property line of the land of Jerry I. Allison, et ux., and in the southwest road right-of-way line of the land of Hickman County, Tennessee (New Bethel Road); thence leaving said point and with the said property line and said road right-of-way line S. 41° 10' 53" E., 41.05 feet to a point; thence leaving said point and continuing with said property line and said road right-of-way line S. 49° 25' 19" E., 9.03 feet to the point of beginning and containing 1.4 acres, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract DVIC-207, Hickman County, Tennessee (New Bethel Road), the adjoining road right-of-way as shown on the map referenced above.

The foregoing easement rights are acquired except insofar as said rights are already owned by Plaintiff by virtue of a grant recorded in Deed Book Y-1, page 97, an instrument recorded in Deed Book D-2, page 151, in the office of the Register of Hickman County, Tennessee, and prescription.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking, subject to the preexisting easement rights described in the preceding paragraph — Jerry I. Allison and Joan E. Allison, his wife, as tenants by the entirety (Deed Books 35, 75, and 85, pages 92, 86, and 243, respectively) — Tax map 43, parcel 8.06.

EXHIBIT A

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4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is so ORDERED.


United States District Judge

We hereby approve and consent
to the entry of this Judgment:

s/Edwin W. Small

Edwin W. Small (TN BPR 012347)
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Attorney for Plaintiff

s/Allston Vander Horst (by permission)

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